

REMARKS

The March 23, 2005 Restriction Requirement alleges that the present application includes two inventions: Group I, claims 1-23, drawn to a method and Group II, claims 24-30 drawn to a preform. In response to the Restriction Requirement and as further described below, Applicant elects Group II, claims 24-30 with traverse.

As pointed out in the Restriction Requirement, the inventions are related as process of making and product made. Pursuant to M.P.E.P. § 806.05(f), the inventions are distinct if it can be shown that either: (1) the process *as claimed* can be used to make another and materially different product, or (2) the product *as claimed* can be made by another and materially different process (emphasis in original). The instant Restriction Requirement states that “the product can be made by a materially different method such as telescoping the ring of the object over an end of the preform other than the closed end.” Applicant respectfully traverses the restriction requirement based on the fact that the direction of assembly of the attachment object onto the preform does not constitute a “*materially* different method” as required by M.P.E.P. § 806.05(f). In any event, independent method claims 1 and 14 have been amended to overcome the basis of the restriction requirement by removing the disputed limitation. New claims 31 and 32 have been added. Claims 6 and 7 are amended to correct formal matters.

Furthermore, Applicant respectfully submits that the Restriction Requirement fails to demonstrate that the product of claims 24-30 and the method recited in claims 8-13 and 18-23 are distinct as claimed. Specifically, with respect to the method recited in claim group 8-13 and 22, as well as the method recited in claim group 18-21 and 23, Applicant points out that these methods **do not require the ring of the attachment object to be telescoped or moved over the closed end of the preform** as asserted in the Restriction Requirement. The Examiner’s reasoning in the Restriction Requirement thus fails to establish that the process as claimed in claims 8-13 and 18-23 and product as claimed in claims 24-30 are materially different and distinct. Therefore, the restriction requirement is improper and should be withdrawn.

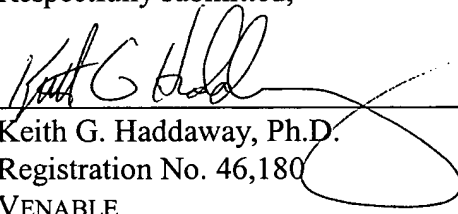
CONCLUSION

In sum, Applicant elects Group II claims 24-30 for further prosecution on the merits, with traverse. Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement with respect to claims 1-7 and 14-17 in view of the arguments presented above and the amendments to claims 1 and 14. Further, in view of the foregoing arguments, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement with respect to claims 8-13 and 18-23. Applicant further adds new dependent claims 31 and 32. Applicant believes that a full and complete reply has been made to the outstanding Restriction Requirement and that the present application is in condition for allowance. Applicant requests issuance of a Notice of Allowability for all pending claims and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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Keith G. Haddaway, Ph.D.
Registration No. 46,180
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

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DC2#640196v1